

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:)	CASE NO. 21-58123-LRC
)	
CLAIRMONT PLACE)	
CONDOMINIUM ASSOCIATION, INC.)	CHAPTER 11
Debtor)	
)	
)	
)	

APPLICATION FOR APPOINTMENT OF SPECIAL COUNSEL

CLAIRMONT PLACE CONDOMINIUM ASSOCIATION, INC, Debtor and Applicant in the above-referenced Chapter 11 case hereby requests this Court for Appointment of Special Counsel for Debtor pursuant to 11 U.S.C. §327 and Fed.R.Bankr.P. 2014 and 5002 and respectfully shows this Court as follows:

1.

Debtor filed a petition for relief under Chapter 11 of Title 11, of the U.S. Code on October 29, 2021, SubChapter V. Debtor is currently operating as a Debtor in Possession pursuant to 11 U.S.C. §1107 and §1108. This is a SubChapter V Case and Leon Jones has been appointed as the SubChapter V Trustee. Debtor desires to employ Winter Capriola Zenner, LLC, Attorneys at Law as Special Condominium Counsel (hereinafter "Attorney"), as its Special Counsel, specifically for condominium and real estate law, corporate law, and related issues, in this case.

2.

Attorney is admitted to practice in this court, has knowledge and experience in condominium and real estate law, corporate law, and related issues and is well qualified to represent the Debtor for those issues in this case. A copy of Attorney's Practice Profile, delineating its experience, is attached hereto.

3.

In the continuance of the Debtor's business in the pending Chapter 11 case, it will be necessary for various professional legal services to be rendered for which it is necessary to retain attorney. These services include, but are not limited to, the following:

- a. Collection of assessments;
- b. Contract review and disputes;
- c. Covenant enforcement;
- d. Document interpretation and amendments;
- e. Education to Board Members and Unit Owners;
- f. General corporate affairs and governance;
- g. General litigation affairs regarding the condominium;
- h. General real estate affairs;
- i. Insurance issues; and
- j. Matters related to the pending Chapter 11 case

4.

To the best of applicant's knowledge, and as evidenced by the attached declaration, Attorney does not hold or represent an interest adverse to this estate; Attorney is a "disinterested" person under the Bankruptcy Code and Attorney's appointment will be in the best interests of the Debtor and Debtor's Estate. Applicant shows that Attorney has been acting as counsel to the Debtor for pre-bankruptcy advice and counsel since November 2020. Since that time, Attorney's fees have been paid on a current basis. Attorney discloses that Attorney received \$1,200.00 for fees during this period to take advantage of the Firm's Community Association Retainer Program

which allows the Association to receive various benefits including, but not limited to, preferred reduced hourly rates. Attorney is not owed any fees as of the time of the filing of this case.

5.

Applicant proposes to compensate Attorney for its services pursuant to the terms existing prior to the filing of the case: Attorney will receive an annual retainer fee in the amount of \$1,200.00 for 2022 (and if still in Chapter 11, for each year thereafter), which the Association shall be able to pay as an ordinary and necessary cost of doing business. The benefits provided under the Retainer Program include the following:

- Routine advice, consultation, and assistance by telephone, at no charge, with the Association's community association manager and elected board members.
- Dedicated paralegal to handle Association's collection efforts.
(Paralegals assist with the collection file from initial demand through collection).
- Free telephone calls and emails between WCZ paralegals and delinquent owners.
- One (1) free virtual board meeting per year.
- 24/7/365 access to Attorney's online collection recovery system, CASETRACKER®.
- Reduced hourly rates for all other services provided which are not included in the annual retainer at the following rates: \$235.00/Associates, \$265.00/Senior Associates, and \$310.00/Partners for all matters, except as noted below. Construction defect disputes and other particular matters will be subject to higher reduced rates. Any fees due under this provision shall be subject to 11 U.S. §363 and Bankruptcy Court approval prior to payment by Debtor.

WHEREFORE, Applicant respectfully requests that it be authorized to obtain, appoint, and employ Attorney as its Attorney to represent it in this case under the terms and conditions provided hereinabove and for such other and further relief as the Court deems just and proper.

Respectfully submitted,
STEINFELD & STEINFELD, PC
/s/ Shayna M. Steinfeld
Shayna M. Steinfeld
State Bar No. 622895
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Attorneys for Clairmont Place Condominium
Association, Inc., Debtor

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CERTIFICATION OF COUNSEL

COMES NOW, Stephen A. Winter of Winter Capriola Zenner ("Attorney") and, in support of the Application by the above-referenced Debtor for employment of an attorney in this Chapter 11 case, certifies to the Court as follows:

1. I am the Managing Partner of Winter Capriola Zenner, LLC and am an Attorney duly admitted to practice in this Court.
2. I dedicate much of my practice to resort and land development, the representation of community associations, general corporate, business and finance transactions, workouts and real estate law. I graduated from Emory School of Law in 1988. My undergraduate BBA degree is in Accounting from the Emory University School of Business Administration.
3. To the best of my knowledge, I am a disinterested person in this case and I hold no interest adverse to the estate in the matters upon which Attorney is to be engaged.
4. I have been representing Applicant, Clairmont Place Condominium Association, Inc. since October 27, 2020. Since that time, Attorney's fees have been paid under the 2021 retainer

agreement, which amounts to \$1,200.00 in the annual Retainer Fee and other legal services paid at the reduced hourly rates. Attorney is not owed any fees as of the time of the filing of this case.

5. Attorney does not have any connection with the Debtor, its creditors, or any other party in interest or their respective attorneys including the U.S. Trustee or any employee of the U.S. Trustee's office in this District.

6. Attorney has agreed to represent the Debtor in this Chapter 11 case upon the terms and conditions set forth in the Debtor's application.

This 2nd day of November.

Respectfully submitted,

WINTER CAPRIOLA ZENNER, LLC



Stephen A. Winter
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Sworn to and subscribed
before me this 2nd day of
November, 2021.


Notary Public
My Commission Expires

Winter Capriola Zenner, LLC

At Winter Capriola Zenner, LLC, we offer personal service to become our clients' trusted legal partners with the professional experience to assist them in achieving their business goals and objectives. WCZ was formed for the purpose of creating an efficient and productive work environment where legal professionals could service clients' needs in a results-driven and cost-effective manner. Our team of experienced attorneys, paralegals, and legal assistants are focused on delivering high-quality legal services that create value for our clients. WCZ is dedicated to matching state-of-the-art technology with team-oriented collaboration so that our clients can achieve their desired outcome.

Our lawyers are highly experienced in a variety of disciplines with practice areas that include: Commercial and Civil Litigation, Community Association Law, Construction Law & Disputes, Corporate and Business Transactions, Real Estate, and Resort and Land Development. In each of these practice areas, our legal professionals work alongside clients every day to thoroughly discuss and create plans to provide business solutions based on the clients' needs. At WCZ, we listen to what our clients have to say and what their ultimate objectives really are. We strive to make sure our clients actually understand how the law applies to their specific situation so that they feel comfortable and confident with our agreed-upon legal strategy every step of the way. Simply put, our clients' successes define our success.

The partners at Winter Capriola Zenner, are recognized as leaders in the Community Association industry. We are proud to be the only law firm to have three past presidents of the Georgia chapter of the Community Association Institute, boast two Rita Kennedy Award winners, and one member of the CAI-Georgia Hall of Fame. Our highly qualified and experienced staff of attorneys and paralegals enjoy assisting community association managers and associations with a variety of day-to-day issues, including amendments to governing documents, contract review, document interpretation, collections, and covenant enforcement.

STEPHEN A. WINTER -- Managing Partner

(other profiles are available at <https://wczlaw.com/attorneys/>)

Stephen A. Winter is the Managing Partner of Winter Capriola Zenner. He dedicates much of his practice to resort and land development, the representation of community associations, general corporate, business and finance transactions, workouts and real estate law. Stephen brings a tough, thorough business mind to his practice while also acting as a reasonable and practical advisor with over 30 years of experience.

Stephen is significantly involved, on a national basis, in the representation of developers of and investors in planned and resort communities, including golf course communities, mixed-use developments, residential communities, condominium developments, vacation ownership or timeshare regimes and associations within these types of developments. He is also very active in real estate and community association law representing residential and office condominiums, townhome developments, mixed-use projects, residential community associations, and master-planned communities.

Stephen is currently a member of the State Bar of Georgia, the Florida Bar, Urban Land Institute (ULI) and of Community Associations Institute (CAI). He has served on the board, many committees and is a past president of the Georgia Chapter of Community Association Institute and remains a very active member.

Stephen has written several articles and books pertaining to all types of real estate, including planned communities, golf course communities, and community associations, and has lectured many times on subjects relating to these topics. Stephen was recently inducted into the Georgia Chapter of CAI's Hall of Fame. He is the recipient of the 2001-2002 CAI National Award of Excellence in Chapter Leadership and the 2001 Rita Kennedy Award presented by The Georgia Chapter of CAI. He is co-chair of the 2019 CAI-Georgia Legislative Action Committee.

Stephen has been a practicing attorney since 1988 and is a graduate of the Emory University School of Law. His undergraduate degree is in Accounting from the Emory University School of Business Administration.

Stephen enjoys coaching youth sports and is deeply involved in his children's activities – both athletic and academic. He spends his free time playing golf, watching movies, traveling, relaxing with a nice cigar and glass of wine, as well as enjoying the company of his family and two dogs – Syd and Mel.

PRACTICE AREAS

- Commercial and Civil Litigation
- Community Associations
- Corporate and Business Transactions
- Real Estate, Lending and Finance
- Resort and Land Development

EDUCATION

- Emory University (J.D., 1988)
- Emory University (B.B.A., 1985)

CERTIFICATE OF SERVICE

This is to certify that I have on this day electronically filed the foregoing Motion to Appoint Counsel by using the Bankruptcy Court's Electronic Case Filing program:

I have caused to be served the attorney for the United States Trustee and SubChapter V Trustee.

A subsequent Certificate of Service will be filed noting service on the twenty largest creditors, including the largest creditor (who is unsecured) and its notice parties.

This 2nd day of November, 2021.

STEINFELD & STEINFELD, P.C.

By: /s/Shayna M. Steinfeld

Shayna M. Steinfeld

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Attorneys for Clairmont Place
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